

2001 DRAFTING REQUEST

Bill

Received: **02/08/2001**

Received By: **nelsorp1**

Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **Judy F**

This file may be shown to any legislator: **NO**

Drafter: **phurley**

May Contact:

Alt. Drafters:

Subject: **Military Affairs - national guar**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Failure to register with the selective service system

Instructions:

See Attached and a part of 99 AB 340

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	nelsorp1 03/01/2001 phurley 03/02/2001	jdyer 03/02/2001		_____			State
/1			pgreensl 03/02/2001	_____	lrb_docadmin 03/02/2001	lrb_docadmin 03/08/2001	

FE Sent For:

→ At Intro.

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1?	nelsorp1 03/01/2001 phurley	1 3/2 <i>ju</i>	3/2 <i>ph</i>	3/2 <i>selb</i>			

FE Sent For:

<END>



SPONSOR: Sen. Winslow & Rep. Cathcart
Sens. Bair, Bonini, Simpson, Still

DELAWARE STATE SENATE

140th GENERAL ASSEMBLY

SENATE SUBSTITUTE NO.

FOR

SENATE BILL NO. 325

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO COMPLIANCE WITH THE
MILITARY SELECTIVE SERVICE ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend §2611, Title 21, Delaware Code by adding thereto the following:

2 "(b) Compliance with the Military Selective Service Act

3 (1) Any male applicant who applies for a commercial driver license instruction permit or license
4 or a renewal of any such permit or license and who is at least eighteen years of age but less than twenty-six years of
5 age shall be registered in compliance with the requirements of Section 3 of the 'Military Selective Service Act', 50
6 U.S.C. App. sec. 453, as amended.

7 (2) The Department shall forward in an electronic format the necessary personal information of
8 the applicants identified in paragraph (1) of this subsection to the selective service system. The applicant's signature
9 on the application shall serve as an indication that the applicant either has already registered with the selective
10 service system or that he is authorizing the Department to forward to the selective service system the necessary
11 information for such registration. The Department shall notify the applicant at the time of application that his
12 signature constitutes consent to registration with the selective service system, if he is not already registered."

13 Section 2. Amend §2711, Title 21, Delaware Code by adding thereto the following:

14 "(d)(1) Any male applicant who applies for an instruction permit or driver's license or a renewal of any
15 such permit or license and who is at least eighteen years of age but less than twenty-six years of age shall be
16 registered in compliance with the requirements of Section 3 of the 'Military Selective Service Act', 50 U.S.C. App.
17 sec. 453, as amended.

18 (2) The Department shall forward in an electronic format the necessary personal information of the
 19 applicants identified in this subsection to the selective service system. The applicant's signature on the application
 20 shall serve as an indication that the applicant either has already registered with the selective service system or that he
 21 is authorizing the Department to forward to the selective service system the necessary information for such
 22 registration. The Department shall notify the applicant at the time of application that his signature constitutes
 23 consent to registration with the selective service system, if he is not already registered."

24 Section 3. Amend §3102, Title 21, Delaware code by adding thereto the following:

25 "(d)(1) Any male applicant who applies for an identification card or a renewal of any such document and
 26 who is at least eighteen years of age but less than twenty-six years of age shall be registered in compliance with the
 27 requirements of Section 3 of the 'Military Selective Service Act', 50 U.S.C. App. sec. 453, as amended.

28 (2) The Department shall forward in an electronic format the necessary personal information of the
 29 applicants identified in this subsection to the selective service system. The applicant's signature on the application
 30 shall serve as an indication that the applicant either has already registered with the selective service system or that he
 31 is authorizing the Department to forward to the selective service system the necessary information for such
 32 registration. The Department shall notify the applicant at the time of application that his signature constitutes
 33 consent to registration with the selective service system, if he is not already registered."

34 Section 4. This Act shall become effective within 180 days after its enactment into law.

SYNOPSIS

This Bill is intended to help implement the Selective Service registration requirements by automatically registering males who are at least eighteen years of age but less than twenty-six years of age when they apply for a driver license or identification card.

Author: Sen. Winslow

5 February 2001

Hi Bob:

I noted that you drafted LRB-2492/1 last session dealing with the Selective Service. Marlin would like that redrafted in the enclosed format which is Delaware's (proposed?) law. It looks like the last two pages are the most pertinent. As always you may call me at 266-0215. Thanks Bob.

Judy Frydenlund

Push	Date	# of pages
Per Note #7172	11/20	8
To	Martin Schneider	
Plus	68955	
From	Julie Clark	
Phone	62239	

INFORMATION PAPER

**TO: The Honorable Tommy Thompson
Governor of Wisconsin**

SUBJECT: Driver's License Bill

This bill will provide the authority for Selective Service to register males as required by Federal law. Upon enactment, State law will require certain males be in compliance with the Military Selective Service Act (MSSA) to qualify for a driver's instruction permit, license, license renewal, or identification card. Further, the applicant will be advised that his signature on the driver's application constitutes his approval to be registered with the U.S. Selective Service.

All young men are required to register with Selective Service, if they are at least 18 years of age but not yet 26. This law does not apply to men age 26 or older. Passage of this law will greatly enhance the awareness of and compliance for the Federal registration requirement among young men, especially those out of the mainstream who are high school drop outs or immigrants.

By registering, males become eligible for Federal employment, Federal Job Training, Federal and state Student Financial Aid, and other benefits, such as attendance at state-supported institutions of higher learning. Male immigrants (both documented and undocumented) also must register with the Selective Service as a prerequisite for obtaining United States citizenship. Male immigrants residing in the United States, who do not register between the ages of 18 through 25, may be permanently denied these benefits. By law, the Selective Service System is prohibited from registering men age 26 years of age and over. Nonimmigrants residing in the United States who possess a valid Temporary Visa, such as a tourist visa, student visa or temporary work visa, are not required to register.

Failure to register is a felony. When a young man registers with Selective Service he avoids the prospect of a maximum fine of \$250,000 and/or five years imprisonment. Prosecution is not usually pursued unless an actual induction of young men is underway.

Drivers License Application Statement:

"I understand that my signature constitutes consent to be registered with the Selective Service System, if so required."

LEGISLATIVE INTENT

"It is the intent of this Legislature in enacting this act to protect young men in Wisconsin from the penalties associated with failing to register with the US Selective Service System and to help ensure that any future draft is fair and equitable to all potential draftees.

The Legislature finds and declares that the penalties associated with non-compliance are severe, including, but not limited to a felony conviction and forfeiture of the ability to seek state employment from certain state agencies and departments. In addition, failure to register may permanently preclude the violator from acquiring many federal benefits, such as federal employment, including employment with the US Postal Service, federal and state student financial assistance, participation in federally funded job training programs and eligibility for US citizenship for immigrants seeking citizenship.

Therefore, in recognition of the severe consequences of non-compliance and the importance of helping to ensure that any future draft is fair and equitable, it is the intent of the Legislature to notify young men in Wisconsin of their responsibility to register with Selective Service and to provide them the opportunity to register concurrent with applying for a driver's license or identification card."

A BILL FOR AN ACT

101 CONCERNING COMPLIANCE WITH FEDERAL SELECTIVE SERVICE
102 REQUIREMENTS PRIOR TO THE ISSUANCE OF DRIVERS' LICENSES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires any male United States citizen or immigrant who is at least 18 years of age but less than 26 years of age to comply with federal selective service requirements when applying to receive:

- An instruction permit;
- A driver's license;
- A provisional driver's license;
- A commercial driver's license;
- A license renewal; or
- An identification card, renewal, or duplicate.

Directs the department of revenue to forward to the federal selective service system information about such applicants in an electronic format. Specifies that an applicant's signature on the application serves to certify that the applicant either has complied with federal selective service requirements or is authorizing the department to forward to the selective service system the necessary information for such registration. Requires the department to notify the applicant at the time of application that his signature constitutes consent to registration with the selective service system, if he is not already registered.

1 *Be it enacted by the (General Assembly) of the State of _____:*

2 SECTION 1. ~~XX-X-XXX~~, State of _____ Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SUBSECTION to read:

4 (a) ANY MALE UNITED STATES CITIZEN OR IMMIGRANT WHO
5 APPLIES FOR AN INSTRUCTION PERMIT OR A DRIVER'S OR PROVISIONAL
6 DRIVER'S LICENSE OR A RENEWAL OF ANY SUCH PERMIT OR LICENSE AND
7 WHO IS AT LEAST EIGHTEEN YEARS OF AGE BUT LESS THAN TWENTY-SIX
8 YEARS OF AGE SHALL BE REGISTERED IN COMPLIANCE WITH THE
9 REQUIREMENTS OF SECTION 3 OF THE "MILITARY SELECTIVE SERVICE

1 ACT", 50 U.S.C. APP. 451 ET SEQ., AS AMENDED.

2 (b) THE DEPARTMENT SHALL FORWARD IN AN ELECTRONIC
3 FORMAT THE NECESSARY PERSONAL INFORMATION OF THE APPLICANTS
4 IDENTIFIED IN PARAGRAPH (a) OF THIS SUBSECTION TO THE SELECTIVE
5 SERVICE SYSTEM. THE APPLICANT'S SIGNATURE ON THE APPLICATION
6 SHALL SERVE AS AN INDICATION THAT THE APPLICANT EITHER HAS
7 ALREADY REGISTERED WITH THE SELECTIVE SERVICE SYSTEM OR THAT HE
8 IS AUTHORIZING THE DEPARTMENT TO FORWARD TO THE SELECTIVE
9 SERVICE SYSTEM THE NECESSARY INFORMATION FOR SUCH REGISTRATION.
10 THE DEPARTMENT SHALL NOTIFY THE APPLICANT AT THE TIME OF
11 APPLICATION THAT HIS SIGNATURE CONSTITUTES CONSENT TO
12 REGISTRATION WITH THE SELECTIVE SERVICE SYSTEM, IF HE IS NOT
13 ALREADY REGISTERED.

14 SECTION 2. ~~XX-X-XXX~~, State of _____ Revised Statutes, is
15 amended BY THE ADDITION OF A NEW SUBSECTION to read:

16 ~~XX-X-XXX~~ Department may issue - limitations. (4) (a) ANY
17 MALE UNITED STATES CITIZEN OR IMMIGRANT WHO APPLIES FOR AN
18 IDENTIFICATION CARD OR A RENEWAL OR DUPLICATE OF ANY SUCH CARD
19 AND WHO IS AT LEAST EIGHTEEN YEARS OF AGE BUT LESS THAN
20 TWENTY-SIX YEARS OF AGE SHALL BE REGISTERED IN COMPLIANCE WITH
21 THE REQUIREMENTS OF SECTION 3 OF THE "MILITARY SELECTIVE SERVICE
22 ACT", 50 U.S.C. APP. 451 ET SEQ., AS AMENDED.

23 (b) THE DEPARTMENT SHALL FORWARD IN AN ELECTRONIC
24 FORMAT THE NECESSARY PERSONAL INFORMATION OF THE APPLICANTS
25 IDENTIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (4) TO THE SELECTIVE
26 SERVICE SYSTEM. THE APPLICANT'S SIGNATURE ON THE APPLICATION
27 SHALL SERVE AS AN INDICATION THAT THE APPLICANT EITHER HAS

1 ALREADY REGISTERED WITH THE SELECTIVE SERVICE SYSTEM OR THAT HE
2 IS AUTHORIZING THE DEPARTMENT TO FORWARD TO THE SELECTIVE
3 SERVICE SYSTEM THE NECESSARY INFORMATION FOR SUCH REGISTRATION.
4 THE DEPARTMENT SHALL NOTIFY THE APPLICANT AT THE TIME OF
5 APPLICATION THAT HIS SIGNATURE CONSTITUTES CONSENT TO
6 REGISTRATION WITH THE SELECTIVE SERVICE SYSTEM, IF HE IS NOT
7 ALREADY REGISTERED.

8 SECTION 3. ~~XX-X-XXX~~, State of _____ Revised Statutes, is
9 amended BY THE ADDITION OF A NEW SUBSECTION to read:

10 **XX-X-XXX. Department authority - rules and regulations -**
11 **federal requirements. (4) (a) ANY MALE UNITED STATES CITIZEN OR**
12 **IMMIGRANT WHO APPLIES FOR A COMMERCIAL DRIVER'S LICENSE, OR A**
13 **RENEWAL OF ANY SUCH LICENSE, AND WHO IS AT LEAST EIGHTEEN YEARS**
14 **OF AGE BUT LESS THAN TWENTY-SIX YEARS OF AGE SHALL BE REGISTERED**
15 **IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 3 OF THE**
16 **"MILITARY SELECTIVE SERVICE ACT", 50 U.S.C. APP. 451 ET SEQ., AS**
17 **AMENDED.**

18 (b) THE DEPARTMENT SHALL FORWARD IN AN ELECTRONIC
19 FORMAT THE NECESSARY PERSONAL INFORMATION OF THE APPLICANTS
20 IDENTIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (4) TO THE SELECTIVE
21 SERVICE SYSTEM. THE APPLICANT'S SIGNATURE ON THE APPLICATION
22 SHALL SERVE AS AN INDICATION THAT THE APPLICANT EITHER HAS
23 ALREADY REGISTERED WITH THE SELECTIVE SERVICE SYSTEM OR THAT HE
24 IS AUTHORIZING THE DEPARTMENT TO FORWARD TO THE SELECTIVE
25 SERVICE SYSTEM THE NECESSARY INFORMATION FOR SUCH REGISTRATION.
26 THE DEPARTMENT SHALL NOTIFY THE APPLICANT AT THE TIME OF
27 APPLICATION THAT HIS SIGNATURE SERVES AS CONSENT TO REGISTRATION

1 WITH THE SELECTIVE SERVICES SYSTEM, IF HE IS NOT ALREADY
2 REGISTERED.

3 SECTION 4. Effective date - applicability. (1) This act shall
4 take effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the (general assembly) that
6 is allowed for submitting a referendum petition pursuant to article ____
7 section ____ of the state constitution; except that, if a referendum
8 petition is filed against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part, if approved by the
10 people, shall take effect on the date of the official declaration of the vote
11 thereon by proclamation of the governor.

12 (2) The provisions of this act shall apply to male United States
13 citizens or immigrants who are at least eighteen years of age but less than
14 twenty-six years of age and who are applying for issuance or renewal of
15 an instruction permit, a driver's license, a provisional driver's license, a
16 commercial driver's license, or an identification card on or after the
17 applicable effective date of this act.

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stays

2001 BILL

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1 AN ACT *to amend* 85.103 (6), 343.07 (1) (intro.), 343.19 (1) and 343.50 (4); and
2 *to create* 343.14 (2) (em) and 343.234 of the statutes; **relating to:** the
3 disclosure of information obtained by the department of transportation from
4 applications for drivers' licenses, permits, or identification cards to the selective
5 service system for the purposes of registration with the selective service system.

Analysis by the Legislative Reference Bureau

Under federal law, most males who are at least 18 years of age but less than 26 years of age are required to register with the selective service system for possible conscription into service in the U.S. military. This bill provides that the department of transportation (DOT) must notify a male who is at least 18 years of age but less than 26 years of age and who applies for any driver's license, permit, or identification card that his application will be forwarded to the selective service system for the purpose of registration with the selective service system. The bill also requires DOT to forward the application of any male who is at least 18 years of age but less than 26 years of age to the selective service system for the purpose of selective service registration.

BILL

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 85.103 (6) of the statutes is amended to read:

2 85.103 (6) The department may disclose the personal identifier of any person
3 who has made a designation under sub. (2) or (3) if the department discloses the
4 personal identifier under s. 341.17 (9), ~~343.234~~, 343.235, 343.24 (3) and (4), or
5 343.245 (3m).

6 **SECTION 2.** 343.07 (1) (intro.) of the statutes is amended to read:

7 **343.07 (1) REGULAR PERMIT; ISSUANCE, RESTRICTIONS.** (intro.) Upon application
8 therefor by a person at least 15 years and 6 months of age who, except for age or lack
9 of training in the operation of a motor vehicle, is qualified to obtain an operator's
10 license and has passed such knowledge test as the department may require, the
11 department may issue a regular instruction permit. If the application is made by a
12 male who is at least 18 years of age but less than 26 years of age, the application shall
13 include the information required under s. 343.14 (2) (em). The permit entitles the
14 permittee to operate a motor vehicle, except a commercial motor vehicle, school bus,
15 or Type 1 motorcycle, a motor bicycle, or a moped, upon the highways, subject to the
16 following restrictions:

17 **SECTION 3.** 343.14 (2) (em) of the statutes is created to read:

18 **343.14 (2) (em)** If the application is made by a male who is at least 18 years of
19 age but less than 26 years of age, the form shall notify the applicant that, by
20 submitting the application to the department, the applicant gives his consent to be
21 registered, if required by federal law, with the selective service system and that he

BILL

1 authorizes the department to forward information to the selective service system
2 under s. 343.234.

3 **SECTION 4.** 343.19 (1) of the statutes is amended to read:

4 343.19 (1) If a license issued under this chapter or an identification card issued
5 under s. 343.50 is lost or destroyed or the name or address named in the license or
6 identification card is changed or the condition specified in s. 343.17 (3) (a) 12. or 13.
7 no longer applies, the person to whom the license or identification card was issued
8 may obtain a duplicate thereof or substitute therefor upon furnishing proof
9 satisfactory to the department of name and date of birth and that the license or
10 identification card has been lost or destroyed or that application for a duplicate
11 license or identification card is being made for a change of address or name or
12 because the condition specified in s. 343.17 (3) (a) 12. or 13. no longer applies. If the
13 applicant is a male who is at least 18 years of age but less than 26 years of age, the
14 application shall include the information required under s. 343.14 (2) (em). If the
15 original license or identification card is found it shall immediately be transmitted to
16 the department. Duplicates of nonphoto licenses shall be issued as nonphoto
17 licenses.

18 **SECTION 5.** 343.234 of the statutes is created to read:

19 **343.234 Department to furnish information to the selective service**
20 **system.** Notwithstanding any other provision in this chapter, the department shall
21 forward to the selective service system, in electronic format, any information on an
22 application for a driver's license, permit, or identification card submitted under this
23 chapter by a male who is at least 18 years of age but less than 26 years of age that
24 is requested by the selective service system for the purpose of registering the
25 applicant with the selective service system. This section does not apply if the

BILL

1 selective service system does not register applicants with the selective service
2 system on the basis of information forwarded under this section.

3 **SECTION 6.** 343.50 (4) of the statutes is amended to read:

4 343.50 (4) APPLICATION. The application for an identification card shall include
5 any information required under ss. 85.103 (2) and 343.14 (2) (a), (b), (bm) and, (br),
6 and (em), such further information as the department may reasonably require to
7 enable it to determine whether the applicant is entitled by law to an identification
8 card, and, for applicants who are aged 65 years or older, material, as provided by the
9 department, explaining the voluntary program that is specified in s. 71.55 (10) (b).
10 The department shall, as part of the application process, take a photograph of the
11 applicant to comply with sub. (3). No application may be processed without the
12 photograph being taken. Misrepresentations in violation of s. 343.14 (5) are
13 punishable as provided in s. 343.14 (9).

14 **SECTION 7. Initial applicability.**

15 (1) This act first applies to applications submitted to the department of
16 transportation made on the effective date of this subsection.

17 **SECTION 8. Effective date.**

18 (1) This act takes effect on the first day of the 6th month beginning after
19 publication.

20 (END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

March 2, 2001

MEMORANDUM

To: Representative Schneider

From: Peggy J. Hurley, Legislative Attorney

Re: LRB-2448 Failure to register with the selective service system

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-8906 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.